

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

No. 3-06 CV 1286 (AVC)

BLERON BARALIU, )  
Plaintiff )  
 )  
v. )  
 )  
VINYA CAPITAL, L.P. and )  
MICHAEL deSa, )  
Defendants )  
\_\_\_\_\_ )

DEFENDANTS' MOTION TO DISMISS  
THE PLAINTIFF'S COMPLAINT

Now come the Defendants in the above-captioned matter and through their undersigned counsel, move this Honorable Court to dismiss the Complaint in this action pursuant to Fed. Rules of Civ. Pro. Rules 12(b)(3), 12(b)(6) and 9(b). A Memorandum of Law supporting this Motion to Dismiss is being filed simultaneously herewith.

WHEREFORE, for the reasons contained in Defendants' Memorandum of Law In Support of Their Motion To Dismiss, the Defendants respectfully move this Honorable Court to dismiss the Complaint in its entirety.

ORAL ARGUMENT  
IS NOT REQUESTED

The Defendants,  
Vinya Capital, L.P., and  
Michael deSa,  
By Their Attorney,

Dated: November 13, 2006

/s/ Tani E. Sapirstein  
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### **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the following via first class mail, postage prepaid to:

Alfred J. Smith, Jr., Esq.  
706 Bedford St.  
Stamford, CT 06901

/s/ Tani E. Sapirstein  
Tani E. Sapirstein

Date: November 13, 2006

